

chemicals in the course of his official duties.

(b) Any official exempted by this section may, when acting in the course of official duties, possess any List I chemical and distribute any such chemical to any other official who is also exempted by this section and acting in the course of official duties.

§ 1309.27 Exemption of certain manufacturers.

The requirement of registration is waived for any manufacturer of a List I chemical, if that chemical is produced solely for internal consumption by the manufacturer and there is no subsequent distribution or exportation of the List I chemical.

EFFECTIVE DATE NOTE: At 67 FR 14861, Mar. 28, 2002, § 1309.27 was removed, effective Apr. 29, 2002.

§ 1309.28 Exemption of distributors of regulated prescription drug products.

(a) The requirement of registration is waived for any person who distributes a prescription drug product containing a List I chemical that is regulated pursuant to § 1310.01(f)(1)(iv) of this chapter.

(b) If any person exempted by this section also engages in the distribution, importation or exportation of a List I chemical, other than as described in paragraph (a) of this section, the person shall obtain a registration for such activities, as required by § 1309.21 of this part.

(c) The Administrator may, upon finding that continuation of the waiver granted in paragraph (a) of this section would not be in the public interest, suspend or revoke a person's waiver pursuant to the procedures set forth in §§ 1309.43 through 1309.46 and 1309.51 through 1309.57 of this part.

[61 FR 32926, June 26, 1996]

EFFECTIVE DATE NOTE: At 67 FR 14861, Mar. 28, 2002, § 1309.28 was removed, effective Apr. 29, 2002.

1309.29 Waiver of registration requirement for certain activities.

(a) The requirement of registration is waived for any retail distributor whose activities with respect to List I chemi-

cals are restricted to the distribution of below-threshold quantities of a drug product that contains a List I chemical that is regulated pursuant to § 1300.02(b)(28)(i)(D) of this chapter to an individual for legitimate medical use.

(b) The requirement of registration is waived for any person whose activities with respect to List I chemicals are limited to the distribution of red phosphorus, white phosphorus, or hypophosphorous acid (and its salts) to: Another location operated by the same firm solely for internal end-use; or an EPA or State licensed waste treatment or disposal firm for the purpose of waste disposal.

(c) The requirement of registration is waived for any person whose distribution of red phosphorus or white phosphorus is limited solely to residual quantities of chemical returned to the producer, in reusable rail cars and isotainers (with capacities greater than or equal to 2500 gallons in a single container).

(d) If any person exempted under paragraph (b) or (c) of this section also engages in the distribution, importation or exportation of a List I chemical, other than as described in such paragraph, the person shall obtain a registration for such activities, as required by § 1309.21 of this part.

(e) The Administrator may, upon finding that continuation of the waiver would not be in the public interest, suspend or revoke a waiver granted under paragraph (b) or (c) of this section pursuant to the procedures set forth in §§ 1309.43 through 1309.46 and 1309.51 through 1309.57 of this part.

(f) Any person exempted from the registration requirement under this section shall comply with the security requirements set forth in §§ 1309.71–1309.73 of this part and the record-keeping and reporting requirements set forth under parts 1310 and 1313 of this chapter.

[66 FR 52674, Oct. 17, 2001]

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